



**JAN 30 2002**

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In re Application of PANICO  
U.S. Application No.: 10/055,251  
Int. Application No.: PCT/US99/26188  
Int. Filing Date: 04 November 1999  
Priority Date: 04 November 1998  
Attorney Docket No.: 99148.165  
For: SPIRAL-SHAPED LAMP FOR UV CURING  
OF COATINGS AND BONDING FOR A  
DIGITAL VERSATILE DISK (DVD) OR  
COMPACT DISK (CD)

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicants' "Petition to Revive Under 37 C.F.R. § 1.137(b)" filed 11 January 2002.

### **BACKGROUND**

On 04 November 1999, applicant filed international application PCT/US99/26188, which claimed priority of an earlier United States application filed 04 November 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 01 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 May 2001.

International application PCT/US99/26188 became abandoned as to the United States at midnight on 04 May 2001 for failure to pay the basic national fee.

On 11 January 2002, applicant filed the present petition. The petition states that it is accompanied by U.S. application papers, an application data sheet, the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing this application from the due date of the reply was unintentional." The application data sheet states that the accompanying U.S. application papers are a continuation application of international application PCT/US99/26188.

### DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), the filing of the present continuation application is accepted as the appropriate response under 37 CFR 1.137(b).

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "the entire delay in filing this application from the due date of the reply was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.


With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

International application PCT/US99/26188 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present U.S. continuation application number 10/055,251.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision and will thereafter be forwarded to the Office of Initial Patent Examination for further processing and review as an application filed under 35 U.S.C. 111.

  
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